

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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ANDRE PACHECO,

Plaintiff,

vs

9:09-CV-1419

M. ZURLO, Deputy Superintendent for Programs;  
G. STANLEY, Inmate Grievance Supervisor; A.  
BOUCAUD, Superintendent - All of Altona  
Correctional Facility; and NEW YORK STATE  
DEPARTMENT OF CORRECTIONAL SERVICES,

Defendants.  
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APPEARANCES:

ANDRE PACHECO

03-A-4873

Plaintiff, Pro Se

Altona Correctional facility

555 Devils Den Road

Altona, NY 12910

HON. ANDREW M. CUOMO

Attorney General of the

State of New York

Attorney for Defendants

Department of Law

The Capitol

Albany, New York 12224

AARON M. BALDWIN, ESQ.

Asst. Attorney General

DAVID N. HURD

United States District Judge

DECISION and ORDER

Plaintiff, Andre Pacheco, commenced this civil rights action in December 2009, pursuant to 42 U.S.C. § 1983. By Report-Recommendation dated September 29, 2010, the Honorable Randolph F. Treece, United States Magistrate Judge, recommended that based

on plaintiff's assent, defendant DOC's motion to dismiss (Docket No. 20) be granted and DOCS be dismissed from the action. No objections to the Report-Recommendation have been filed.

Based upon a careful review of the file, and the recommendations of Magistrate Judge Treece, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. 636(b)(1).

Accordingly, it is

ORDERED that

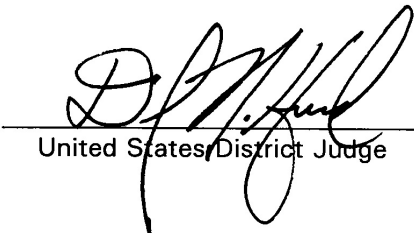
1. Defendant New York State Department of Correctional Services' motion to dismiss (Docket No. 20) is GRANTED;

2. Defendant New York State Department of Correctional Services is DISMISSED from the action; and

3. The action will continue under the Magistrate Judge's supervision for all further pretrial proceedings.

IT IS SO ORDERED.

Dated: October 22, 2010
Utica, New York.



United States District Judge